## REMARKS

Claims 1-7, 10-13, 15-16, 18-19 and 43 are pending. The Applicants respectfully request the Examiner to reconsider the rejections in view of amendments to the claims now presented and the following remarks.

**Rejection under 35 USC §102(e)**

The subject matter of claims 1-2, 5-6, 11-13, 15-16 and 43 are rejected under 35 USC §102(e) as allegedly anticipated by the disclosure of Sunshine, *et al.*, U.S. Patent No.6,658,915.

The Applicant respectfully remind the Examiner that anticipation, *per se*, under 35 USC §102 necessarily requires *that all of the limitations* of a pending claim must be disclosed in a single prior art reference. To anticipate a claim, the reference must teach every element of the claim. "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

**The present invention is a method**

The present invention is a method devised to solve a problem in the electronic equipment industry. Prior art methods of monitoring electronic devices consist of physically breaking an integrated circuit and sampling of components through complex near-infra-red measurement methods. The Examiner is referred to pages 7 and 9, for example, of the instant specification. The present invention, however, provides a non-destructive method of monitoring the quality of semiconductor and encapsulant packaging materials, for example, that frequently cause failure of internal components of electronic devices. Siloxanes, for example, cause disk drive failure. Most semiconductor devices, particularly integrated circuit chips, utilize packaging materials such as plastic encapsulants for physical protection in electronic devices. The determination of Volatile Organic Compounds from parts of hard disc drives is currently performed by a costly and destructive method. There is no prior art *method* of applying gas multisensor arrays combined with multivariate analysis to the monitoring of electronic devices. **Sunshine,**

***et al.*, do not teach the method of the present invention. The '915 disclosure cannot anticipate as a matter of law.**

Sunshine, *et al.*, indeed teach "[t]he e-nose device is versatile and meets the needs of a wide range of applications in various industries." Col. 2, lines 47-48. Moreover, Sunshine, *et al.*, state that the, "e-nose device is used for industrial monitoring and detection, i.e., to identity and quantify noxious gas escaping from an industrial valve assembly. E-nose device can also be used for many other applications, as enumerated below." Col.6, lines 1-4. Sunshine, *et al.*, then, enumerate a plethora of contemplated applications at Col.24, line 46 - Col.25, line55:

> **Analytes and Applications of the E-Nose Device**
> Analytes detectable by the e-nose device of the invention include, but are not limited to, alkanes, alkenes, alkynes, dienes, alicyclic hydrocarbons, arenes, alcohols, ethers, ketones, aldehydes, carbonyls, carbanions, heterocycles, polynuclear aromatics, organic derivatives, biomolecules, microorganisms, bacteria, viruses, sugars, nucleic acids, isoprenes, isoprenoids, and fatty acids and their derivatives. Many biomolecules, such as amino acids, are amenable to detection using the sensor arrays of the invention.
>
> The e-nose device can be used to enable medical and dental care-providers to quickly and accurately identify the chemical components in breath, wounds, and bodily fluids to diagnose a host of illness including infections and metabolic problems. For example, the e-nose device can be used to test for skin conditions, for anesthesia administration, or to determine time of ovulation in fertility treatment. Alternatively, the handheld device can classify and identify microorganisms, such as bacteria.
>
> The e-nose device can be used to locate an odor to identify a complicated system or state of matter, and can offer versatility and reliability absent from conventional environmental or chemical monitoring devices. Advantageously, the device can be used for profiling a chemical environment in a hazardous materials situation and to assist emergency crews to accurately select fire retardant, containment strategies, and protective gear.
>
> The e-nose device can be used to detect leaks in pipelines and storage containers.
>
> The e-nose device can be used in food quality and processing

control. For example, the device can be used to spot test for immediate results or to continually monitor batch-to-batch consistency and spoilage in various stages of a product, including production (i.e., growing), preparation, and distribution. The device can also be used in disposable packaging to providing an objectivity that is absent from conventional spoilage, freshness, and contamination monitoring techniques.

The e-nose device can also be used in protecting the elderly, who tend to lose sense of smell over time. The device can be used to reduce the risk of food poisoning or the ingestion of spoiled food, and can be integrated with household appliances, such as refrigerators and microwave ovens.

The e-nose device can be used in a wide variety of commercial applications including, but not limited to:

applications such as utility and power, oil/gas petrochemical, chemical/plastics, automatic ventilation control (cooking, smoking, etc.), heavy industrial manufacturing, environmental toxicology and remediation, biomedicine, cosmetic/perfume, pharmaceutical, transportation, emergency response and law enforcement,

detection, identification, and/or monitoring of combustible gas, natural gas, H.sub.2 S, ambient air, emissions control, air intake, smoke, hazardous leak, hazardous spill, fugitive emission,

beverage, food, and agricultural products monitoring and control, such as freshness detection, fruit ripening control, fermentation process, and flavor composition and identification,

detection and identification of illegal substance, explosives, transformer fault, refrigerant and fumigant, formaldehyde, diesel/gasoline/aviation fuel, hospital/medical anesthesia & sterilization gas,

telesurgery, body fluids analysis, drug discovery, infectious disease detection and breath applications, worker protection, arson investigation, personal identification, perimeter monitoring, fragrance formulation, and

solvent recovery effectiveness, refueling operations, shipping container inspection, enclosed space surveying, product quality testing, materials quality control, product identification and quality testing.

However, Sunshine, *et al.*, do not teach a non-destructive *in situ* **method** for directly monitoring an electronic device, comprising measuring at least one outgas or volatile organic compound of a material, a byproduct of the material, a reaction product of a constituent of the material, or a contaminant of a material of the electronic device. The instant invention specifically requires an *in situ* **method for directly monitoring electronic or optic equipment and devices.**

Accordingly, since the Sunshine, *et al.*, disclosure does not teach, contemplate or suggest all *of the limitations* of the pending method of use claims, i.e., the method of solving the problem of monitoring electronic devices (e.g., instead of physically breaking an integrated circuit and sampling of components through complex near-infra-red measurement methods) the Sunshine, *et al.*, disclosure cannot as a matter of law anticipate the Applicant's defined method.

The Applicant, accordingly, respectfully requests the Examiner to withdraw the rejection.

**Rejection under 35 USC §103**

The subject matter of claims 3, 4, and 7 is rejected under 35 USC §103(a) as allegedly obvious over Sunshine, *et al.*, U.S. Patent No.6,658,915 in view of Zenhausern published application 2002/0094531.

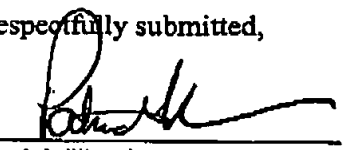
The Applicant respectfully points out to the Examiner that the inventive entity of Zenhausern application 2002/0094531 is the same entity of the instant application, i.e., Frederic Zenhausern.[1] Therefore, published Zenhausern application 2002/0094531, is not an application for patent "by another" as required under the statutory terms of 35 USC §102(e) and, accordingly, is not available as prior art. The Applicant, Frederic Zenhausern (the same as in published application 2002/0094531), therefore respectfully requests the Examiner to withdraw the rejection.

* * *

For all the foregoing reasons, the Applicant submits that Claims 1-7, 10-13, 15-16, 18-19 and 43 are in condition for allowance. Early action toward this end is courteously solicited. *The Examiner is kindly encouraged to telephone the undersigned in order to expedite any detail of the prosecution.*

The Commissioner is authorized to charge any deficiency or credit any overpayment in connection herewith to Deposit Account No. 50-1943.

Respectfully submitted,



Patrick H. Higgins
Reg. No. 39,709
Attorney for Applicant

Date: November 29, 2004
FOX ROTHSCHILD LLP, 997 Lenox Drive, Building 3, Lawrenceville, NJ 08648-2311
(609) 896-7654 (voice)

[1] The Examiner is respectfully referred to page 8 of the instant specification, lines 3-4, as well as the Declaration of Inventorship of record.